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राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, सोमवार, 16 मार्च, 1964/26 फालगुन, 1885।

GOVERNMENT OF HIMACHAL PRADESH

VIDHAN SABHA SECRETARIAT

NOTIFICATION

Simla-4, the 12th March, 1964

No. 1-6/64 VS.—In pursuance of rule 135 of the Rules of Procedure and Conduct of Business of the Himachal Pradesh Legislative Assembly, 1964 “The Himachal Pradesh Village and Small Towns Patrol Bill, 1964” (Bill No. 5 of 1964) as introduced in the Legislative Assembly on the 12th March, 1964 is hereby published in the Himachal Pradesh Government Gazette.

SURENDRANATH,
Under Secretary.

Bill No. 5 of 1964

**THE HIMACHAL PRADESH VILLAGE AND SMALL TOWNS
PATROL BILL, 1964**

(AS INTRODUCED IN THE LEGISLATIVE ASSEMBLY)

A

BILL

to make provision for the performance of night patrol duty by the inhabitants of villages and small towns in the Himachal Pradesh in case of emergency.

Be it enacted by the Legislative Assembly of Himachal Pradesh in the Fifteenth Year of the Republic of India as follows:—

1. Short title, extent and commencement.—(1) This Act may be called the Himachal Pradesh Village and Small Towns Patrol Act, 1964.

(2) It extends to the whole of the Himachal Pradesh.

(3) It shall come into force at once.

2. Definitions.—In this Act:—

“Village” includes a town with a population not exceeding ten thousand inhabitants according to the last census; also any recognised sub-division of a village or of such a town;

“Gram Panchayat” means.—

(a) in the case of Municipality, the Municipal Committee;

(b) in the case of a notified area, the Notified Area Committee;

(c) in the case of a Small Town, the Small Town Committee; and

(d) in the case of any other village, the Gram Panchayat constituted under the Himachal Pradesh Panchayat Raj Act, 1952 (Act No. 6 of 1953) for such village.

3. Order for performance of patrol duty.—(1) When the Deputy Commissioner is of opinion that in any village in his District (a) special measures are required to secure the public safety, and (b) the inhabitants have not either voluntarily, or on being required so to do by the Deputy Commissioner, made sufficient provision for watch and ward, he may make an order in writing that from such date as he may fix in the order, all able-bodied adult male inhabitants of the village shall be liable to patrol duty.

(2) An order under sub-section (1) shall remain in force for such period not exceeding one year as the Deputy Commissioner may fix; but it may be renewed from time to time as the Deputy Commissioner may direct.

(3) An order under sub-section (1) or (2), may be cancelled at any time by the Deputy Commissioner.

4. Functions of Gram Panchayat.—(1) The Gram Panchayat of any village in respect of which an order under section 3 has been passed shall report forthwith:—

- (a) the number of able-bodied adult male inhabitants of the village;
- (b) the number of persons which, in their opinion, will be required for patrol duty each night;
- (c) the method by which, in their opinion, such persons shall be selected, that is, whether by rotation or by lot or otherwise.

(2) Upon receipt of the report of the Gram Panchayat, the Deputy Commissioner shall determine the number of persons required for patrol duty and the method of their selection, and shall inform the Gram Panchayat of his decision.

(3) Persons shall be selected by the Gram Panchayat for patrol duty in such number and according to such methods as the Deputy Commissioner may determine.

(4) Where the selection is by lot, names once drawn shall not be drawn again until all the remaining names on the list have been drawn.

(5) The Gram Panchayat shall by publication of a list or otherwise inform the persons liable to patrol duty of the date, time, area and nature of such duty.

5. Substitutes.—Any person liable to patrol duty shall himself perform such duty or shall provide an able bodied substitute approved by the Gram Panchayat.

6. Exemptions.—Exemptions from patrol duty may be granted—

- (a) by the Deputy Commissioner, or
- (b) by the Gram Panchayat, subject to confirmation by the Deputy Commissioner.

7. Deputy Commissioner's powers of general control.—The Deputy Commissioner shall have power to alter the number of persons required for patrol duty and the method of their selection, to direct that patrolling may extend to the whole or any portion of the village area, and generally to regulate and control all matters relating to patrol duty:

Provided that before altering the method of selection, he shall consult the Gram Panchayat.

8. Delegation.—The Deputy Commissioner may delegate to any sub-divisional officer or any Magistrate of the 1st Class all or any of his powers under sections 4, 6 or 7 of this Act.

9. Fine on defaulting persons.—(1) The Gram Panchayat may impose a fine not exceeding five rupees on any person who has failed without sufficient cause to perform patrol duty personally or by substitute:

Provided that the fine shall be imposed within 15 days of such failure.

(2) All fines imposed under sub-section (1) may, upon application by the Gram Panchayat, be recovered by the Collector as an arrear of land revenue.

(3) No appeal shall lie from an order of fine passed by a Gram Panchayat; but the Collector may, in his discretion refuse to order the recovery of the fine.

(4) All fines recovered under this section shall be expended in such manner as the Gram Panchayat may determine.

10. Decision of majority to prevail.—The decision of the majority of the members of a Gram Panchayat at the time assembled shall be deemed to be the decision of the Panchayat.

11. Fine on defaulting village.—(1) Where, in the opinion of the Deputy Commissioner, any village or part thereof, in respect of which an order under section 3 (1) has been passed, fails to provide for due performance of patrol duties, the Deputy Commissioner may by written order impose a fine which may extend to one hundred rupees in any one case upon the village or part thereof:

Provided that before imposing any fine under this section the Deputy Commissioner shall give ten days' notice by beat of drum or otherwise to the village, and shall consider any objections that may be received by him.

(2) The Deputy Commissioner, after such enquiry as he may deem necessary, shall apportion the fine among the inhabitants according to his judgment of their respective means.

(3) Any fine under this section shall be recovered as an arrear of land revenue and shall be credited to the Tehsil Panchayat constituted under the Himachal Pradesh Panchayat Raj Act, 1952 (Act No. 6 of 1953) and may be expended on rewarding such individuals or villages as have rendered conspicuous service under this Act, or in such manner as the said Panchayat may direct.

12. Appeal.—An appeal from an order of the Deputy Commissioner under section 3 or section 11 shall lie to the Financial Commissioner.

13. Powers and privileges of patrols.—(1) All persons on patrol duty under this Act shall exercise the same powers and enjoy the same protection and privileges as are exercised and enjoyed by village watch-men.

(2) Every person is bound to render to a person on patrol duty all the assistance which he is bound to render to a police officer.

(3) Every person on patrol duty shall be deemed to be a public servant for the purposes of the Indian Penal Code.

14. Repeal.—The enactments mentioned in the Schedule are repealed to the extent specified in the third column thereof with effect from the coming into force of this Act.

15. Savings.—The repeal of enactments mentioned in the Schedule by section 14 shall not affect—

- (a) the previous operation of these enactments or anything duly done or suffered thereunder,
- (b) any right, privilege, obligation or liability acquired, accrued or incurred under these enactments,
- (c) any penalty, forfeiture or punishment incurred in respect of any offence committed against these enactments, or
- (d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid,

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if these enactments had not been repealed.

THE SCHEDULE

(See section 14)

Enactments repealed

Number and Year 1	Short title 2	Extent of repeal 3
Act 7 of 2004 (Sambat).	The Chamba State Village and Towns Patrol Act, 2004 (Sambat) as in force in Chamba district.	The whole
Act 8 of 1918.	The Punjab Village and Small Towns Patrol Act, 1918 as applied to Bilaspur <i>vide</i> Bilaspur (Application of Laws) Order, 1949.	The whole

STATEMENT OF OBJECTS AND REASONS

At present there is no law applicable to the whole of Himachal Pradesh or the performance of patrol duty by the inhabitants of the villages and towns for the protection of the people in the villages in case of need and emergency. In order, to enforce the patrol duty legally it has been considered essential to introduce this Bill.

Y. S. PARMAR,
Home Minister.

SIMLA :
The 12th March, 1964.

FINANCIAL MEMORANDUM

NIL

MEMORANDUM REGARDING DELEGATED LEGISLATION

NIL